

Appl. No.: 10/520,227

Amdt. Dated February 29, 2008

Response to Office Action Mailed November 29, 2007

**REMARKS:**

Applicant appreciates the time and care the examiner has taken in examining the application.

**Response to Section 102(b) Rejection.** It is respectfully submitted that the rejection is in error, and should be reconsidered and withdrawn. The base claim 1, from which all other claims depend, contains the following limitation:

**wherein actuating means for the clamping means (7) are designed and arranged in a manner that at least two clamping means (7) offset in the circumferential direction are each actuated at the same time.**

**A. "Actuating Means for the Clamping Means."**

Ramspeck et al (hereinafter "Ramspeck") fails to teach the feature of actuating means for the clamping means (7) designed and arranged in a manner that at least two clamping means offset in the circumferential direction are each actuated at the same time. The examiner errs, in that the rejection relies upon the finding that the center disk 10 and the outer disk 11 of Ramspeck are "actuating means (10, 11)" for the clamping means. This is not so. In Ramspeck, the center disk 10 and the plurality of outer disks 11 are not actuating means at all, and are not referred to as "actuating disks" as done by the examiner in the Office action, at p. 2. In particular, the center disk 10 and the outer disks 11 clearly cannot be characterized as "actuating means *for the clamping means;*" the examiner errs in omitting the clarifying clause "for the clamping means" in referring to the "actuating means (10, 11)" in the Office action. (See Office

action, p. 2). Center disk 10 and outer disks 11 are, in fact, "parallel disks arranged side-by-side" to form the rotary cylinder 7. (Ramspeck col. 9 lines 47-50). Clearly these disks 10, 11 are not actuating means for the clamping means, and moreover, are not "actuating means" at all.

In direct contrast to these findings by the examiner, Ramspeck's specification makes clear that the clamping blades in the rotary cylinder 7 are in fact actuated by pressure pins 22 (see Ramspeck FIG. 3, and col. 10 lines 7-23):

The clamping members 8 (FIG. 3) are arranged in recesses 21 provided in a groove 60 on the shell surface of the rotary cylinder 7. The end disks 12 and 13 provided at the respective ends of the disk stack retain therein pressure pins 22 in substantially parallel alignment to the axis of rotation of the rotary cylinder 7. The pressure pins 22 are received in bores on a common pitch circle, projecting all in unloaded condition from the outer ends of the end disks 12 and 13 by about the same amount. The other ends of the pressure pins 22 are in the interior of the rotary cylinder 7, abutting each a clamping blade of each pair of clamping blades. In this arrangement, all of the clamping blades in the right-hand half of the rotary cylinder 7 are actuated by pressure pins 22 guided in the right-hand end disk 12. The clamping members located in the left-hand half of the rotary cylinder 7 are actuated by pressure pins guided in the left-hand end disk 13.

It is also noted that the pressure pins that actuate the clamping means have also been designated as reference numerals 50, 51, 52, 53 in FIG. 6 in Ramspeck. The pressure pins 50, 51, 52, 53 are the actuating means for the clamping means as depicted in FIG. 6 (see Ramspeck FIG. 6 and col. 11 lines 8-32):

The disks 10 and 11 (FIG. 6) are provided with bores 24 and 35 extending axially through the rotary cylinder and receiving therein the

pressure pins 50 to 53. These pressure pins have their one ends, which are located in the interior of the cylinder, in abutment with the movable clamping blades 41 and 47. With their outer ends, the pressure pins 50 to 53 are in abutment with the control cams 49 of the control disks 14 fixedly located relative to the two ends of the rotary cylinder 7 in the housing of the epilating appliance. .... On a rotation about the axis of rotation 68 of the cylinder 7, the pressure pins 50, 52 are moved from a lower unloaded position on the control cam 49 into an upper clamping position lying farther inwardly axially. .... As soon as the pressure pins 50 and 52 have reached their upper clamping position, a force will be transmitted from the control disk 14 via the pressure pins 50 and 52 to the movable clamping members 41 and 47. This causes the pivotal clamping members 41, 47 to be urged into engagement with the stationary clamping members 46 and 48. The lower pressure pins 51 and 53 will recede axially outwardly into the recesses of the control cam 49, removing the load from the lower ends of the clamping blades 41 and 47, thus enabling them to pivot about the supports outwardly in the direction of the ends of the cylinder 7.

Again, it is clear that the pressure pins 50, 51, 52, 53 are the actuating means for the clamping means, not the central disk 10 and outer disks 11. The disks 10, 11 of Ramspeck simply do not actuate the clamping members, and thus cannot be characterized as actuating means for the clamping members. The disks 10, 11 do not propel the movement of the clamping members; the disks merely are stationary parts that hold the clamping members in position while the pressure pins 22, 50, 51, 52, 53 propel the movement of the clamping members in to and out of their clamping state.

**B. "At Least Two Clamping Means (7) Offset in the Circumferential Direction are each Actuated at the Same Time."**

In the structure of Ramspeck's device, those clamping means that are arranged in an offset manner to each other cannot be actuated simultaneously. It is noted that Applicant's specification at p. 1 line 7-17 distinguishes the device of Ramspeck's disclosure, cited as WO 98/05234, as one of a number of prior devices having the particular deficiencies outlined in the specification at the paragraph appearing at p. 1 line 32 to p. 2 line 17, arising from a lack of this improved feature set forth in claim 1 in the instant application.

The structure set forth in claim 1 herein corrects such deficiencies, and is key to the enhanced performance explained in the original specification at the paragraph at p. 2, line 18 to p. 3 line 2:

To this end, the epilating device of the initially mentioned kind is essentially characterized according to the invention in that the actuating means for the clamping means are designed and arranged in a manner that at least two clamping means offset in the circumferential direction are each actuated at the same time. Due to the fact that, as opposed to the known epilating devices, the clamping means are not actuated along a linear plucking zone extending in the direction of the axis of the rotary cylinder, but actuation is effected in a manner that at least two clamping means offset in the circumferential direction are each actuated simultaneously, provides for an effective plucking zone that extends over an enlarged region, viewed in the circumferential direction of the rotary cylinder. In doing so, at least one of the at least two clamping means will effectively enter into action as a function of the respective epilating device angle relative to the skin selected by the user. Since the at least two clamping means which are actuated simultaneously are not located on a common axially parallel line or generatrix of the rotary cylinder, the relative distance of the simultaneously actuated clamping means is accordingly enlarged, thus causing a reduction of unpleasant sensations to be observed subjectively.

Ramspeck's FIG. 3 does not, in fact, show at least two clamping means offset in the circumferential direction being actuated at the same time. In Ramspeck's FIG. 6, the two clamping means that are simultaneously actuated are clearly **not offset** in the circumferential direction; to the contrary, they occupy the exactly the same position in the circumferential direction. The examiner states, without citing any support from Ramspeck's disclosure, that "...clamping means 8 are arranged on actuating disks 10 and 11, so at least two that are circumferentially offset will be actuated simultaneously." (Office action, p. 2). It is difficult to discern the meaning of this conclusory phrase. Moreover, this phrase lacks support in Ramspeck, particularly in view of the clear description in Ramspeck of the operation of its device (*see, e.g.*, Ramspeck col. 11 lines 1-32), which makes no disclosure at all of at least two clamping means **offset in the circumferential direction** being each actuated **at the same time**.

Therefore, in view of the errors in the Office action, and of the failure of Ramspeck to teach the features and limitations as defined in claim 1, it is respectfully submitted that the Section 102(b) rejection should be reconsidered and withdrawn.

Conclusion. In view of the foregoing, it is respectfully submitted that the rejections and objections should be reconsidered and withdrawn; that the application is in condition for prompt allowance; and that all of the objections, rejections and requirements raised in this application have now been met. Early, favorable treatment of this application is requested.

Extension Request and Deposit Account Charge Authorization. The Commissioner is hereby authorized to charge any required fees associated with this communication, including any required fees under 37 CFR § 1.17(a) for any necessary extensions of time under 37 CFR §1.136(a), which are hereby requested, to our Deposit Account No. 50-0305.

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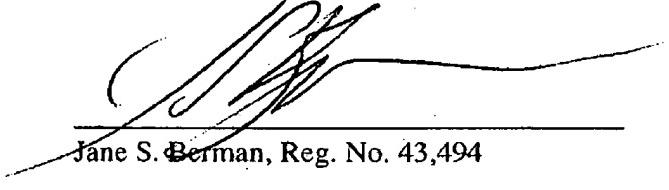
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The Examiner is encouraged to call Robert J. Schneider at the direct number (312) 845-3919 with any questions that arise in connection with this application, or to resolve any remaining issues.

Respectfully submitted,

  
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Date: February 29, 2008

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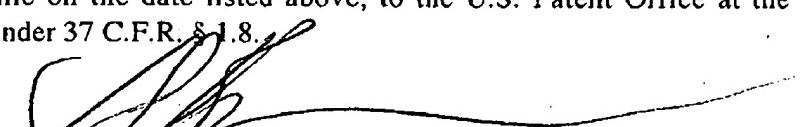
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I hereby certify that the attached correspondence, namely: Response to Final Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

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